

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION RECEIVED

2007 SEP 10 A 9:30

RICHARD WAYNE WRIGHT, Sr., *

Plaintiff, Pro Se., *

- vs -

* Civil Action No.

Sylvester Nettles, et al. * 2:05 CV 439-WHA

Defendants. *

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Plaintiff's Motion For A Extension
of Time

Comes Now, Plaintiff Richard Wayne Wright Sr., Pro Se, in the above Cause and through ~~by~~ and by the Easterling Correctional Facility Law Library and Files this request For a Sixty (60) day extension of time to file an objection to the Recommendation of the Chief United States Magistrate Judge "Mr. Charles S. Coody" which was passed down on the 29th day of August 2007 and starting as follows:

(1) Plaintiff Wright request's such extension of time to Clarify to this Honorable Court (the reasons)

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Why Certain evidence (Segregation logging records, 'Dr.' Reports, etc). is essential and should be admissible at trial, Supporting Plaintiff Wright's Claims of Constitutional Violations. Plaintiff Wright requested pertinent information / evidence by and through Court order(s), but were denied such evidence through and by plaintiff Wright motions, pleadings and responses, which would better (have shown) this Honorable Court sufficient evidence to oppose defendants motions For Summary Judgement. The Evidentiary material plaintiff requested through said motions pleadings, response and affidavits were and are needed to go beyond this Honorable Court viewing OF plaintiff Wright's Claims as "Conclusory Allegations" and Specify Facts showing there are genuine issues For trial to the trier OF Facts. This Honorable Court has specifically indicated plaintiff must go beyond the

pleadings, etc. pointing out specific 'Facts' showing that there was and are genuine issues For trial, specified in plaintiff Wright's pleading, etc. and such requested time is needed to do so.

2). This Honorable Court Sends its recommendation suggesting plaintiff Wright's pleadings, motion, responses affidavits and all supporting evidentiary material plaintiff Wright were able to submit (Absent] of a Court order placed upon defendants to submit) requesting ~~ing~~ documentation, Failed to make a showing sufficient to establish the existence of an element essential to plaintiff Claims rendering all other Facts immaterial. Such recommendation (Court Doc. No. 213) places plaintiff Wright as the non moving party bearing a deeper ~~the~~ burden of proof. This honorable Court through its liberal interpretation labeling plaintiff whole Civil Suit as "Factual Inferences"

returns its recommendation in Favor of defendants. Thus Far, this Honorable Court has interpreted plaintiff Wright pleadings as rambling and difficult to characterize or quantify in legal terms and by this honorable Court Consolidating and Categorizing the defendants While Collectively Consolidating plaintiff Wrights claims against defendants by Classes effects the process due unto plaintiff. Thus, this Honorable Court treating defendants special reports, motions and evidentiary material as motions For Summary Judgement deems improper, to be granted as such. Plaintiff Wright needs Feasible time to properly prepare his objections because the records of this Case taken as a whole/Classes makes void genuine issues For trial.

3). Prison officials (B) at Easterling Correctional Facility only permits inmates to be issued

(12) Sheets of typing paper and 2 envelopes per week, per inmate, Plaintiff responsibility to satisfy this Honorable Court orders) requires that he submit copies of all documents to the defendants or defendant's Counselors in which he submit to this Honorable Court. Plaintiff makes this gracious plea to this Court to grant plaintiff Wright time to please the Court.

4). Plaintiff Wright only has an average of 2 1/2 hours per week day (Tuesday's thru Friday's) and an average of Four (4) hours on Saturday's (Sundays optional) places even more difficulties upon plaintiff Wright to research i.e. Case law, Rules, statutes, etc.) Coupled with this institutions Claims of Security Shortage often prevent plaintiff access to the Law Library, thus far necessitating additional time for plaintiff Wright to properly object timely.

5). Plaintiff Further ask if this Honorable Court deems this motion inappropriate to grant plaintiff motion requesting Sixty (60) days extention, plaintiff hopes this Honorable Court will afford plaintiff a reasonable amount of "extention of Time" (beyond September 11, 2007) to File his objection

6) An extent of Sixty(60) days would not unduly prejudice the defendants or defendants Counselors.

WHEREFORE, Plaintiff Wright request an extention of Sixty (60) days From today's date in order to Furnish this Honorable Court and defendants Counselors the aforementioned Written objection.

RespectFully Submitted
this the 5th day of September,
2007.

Richard W. Wright Sr. Bey
Richard Wayne Wright Sr. Bey

Easterling Correctional Facility
200 Wallace Drive
Clio, Alabama 36019

Certificate of Service

This is to Certify that I
Richard Wayne Wright Sr. Be
am the plaintiff, Pro-Se., in the
above encaptioned motion and
Certify I have sent a Copy
of this motion to the Following
defendants Counselors:

Gregory F. Yaghmai
ASB - 2411-H67G
Scott, Sullivan, Streetman & Fox, P.C.
2450 Valley Dale Road
Birmingham, Alabama 35244

Troy King (Attorney General)
State Bar #ASB 5949-3615
Steven Mallette Sirmon
(Assistant Attorney General)
Hugh Davis (Attorney)
Alabama Board Pardon and Parole
Post Office Box 302405

Montgomery Alabama 36130

Plaintiff Wright Further Certify
I have sent this Motion to the
Clerk of this Court and earnestly
ask due to plaintiff indigent
status that this Honorable Court
and/or Clerk Forward a Copy of
this said motion Plaintiff Wright
Motion For extension of Time
to the defendant's Counselors as
Follows!

David B. Block (ASB-5098-K62D)
William R. Lunsford (ASB 4265-L72L)
Douglas B. Hargett (ASB 9928-S 81H)
Balch & Bingham LLP
Post Office Box 18668
Huntsville, Alabama 35804-8668

Kim T. Thomas
Gregory Marion Biggs
Alabama Department of Correction
Legal Division
301 Ripley Street
Montgomery, Alabama 36130

Plaintiff Placed this motion
in the United States mail box at
Easterling Correctional Facility
With First Class postage (Stamp)
prepaid and properly address^{ed}
this on the 5th day of September,
2007

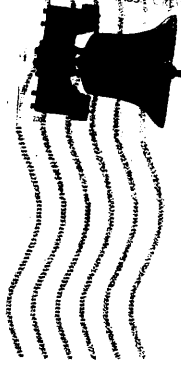
Respectfully Submitted,

Richard W. Wright Sr. Bey
Richard W. Wright Sr. Bey #187140

Richard W. Wright Sr. Bey #181140
EASTERLING CORRECTIONAL FACILITY Dorm C-2
200 WALLACE DRIVE
CLIO, ALABAMA 36017

MONTGOMERY AL 361

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Officer of The Clerk
United States District Court
P.O. Box 711
Montgomery, Alabama 36101-0711

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